

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KENNETH SMITH,

Petitioner,

FILE NO. 2:08-CV-117

v.

HON. ROBERT HOLMES BELL

GERALD HOFBAUER,

Respondent.

JUDGMENT

In accordance with the Opinion entered this date,

IT IS ORDERED that Petitioner's Objections (docket #4) to the Report and Recommendation of the Magistrate Judge are **GRANTED** in part and **DENIED** in part.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge (docket #3) is **ACCEPTED** in part and **REJECTED** in part, as set forth in the Opinion of this date.

IT IS FURTHER ORDERED that the habeas corpus petition is **DENIED** because it is barred by the statute of limitations.

IT IS FURTHER ORDERED that Petitioner is **DENIED** a certificate of appealability.

Dated: June 18, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE